

United States District Court

Western DISTRICT OF Texas

FILED

UNITED STATES OF AMERICA

V.

Jose Luis GAMBOA

CRIMINAL COMPLAINT

CASE NUMBER: 08-711-MC

FEB 12 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY FM DEPUTY CLERK

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 11, 2008 in El Paso county, in the Western District of Texas defendant(s) did, knowingly and intentionally possess with the intent to distribute, approximately 57.15 pounds (gross weight) of marijuana, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately 57.15 pounds (gross weight) of marijuana, a Schedule I Controlled Substance

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 952(a).

I further state that I am an Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part hereof: X Yes No



Signature of Complainant
Bobby J. Wilson, Senior Special Agent

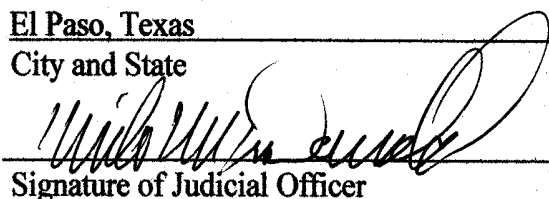
Sworn to before me and subscribed in my presence,

February 12, 2008
Date

at

El Paso, Texas
City and State

Michael McDonald, U.S. Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFADAVIT

On February 11, 2008, at approximately 5:41 P.M., Jose Luis GAMBOA (GAMBOA) entered the United States from the Republic of Mexico at the Ysleta Port of Entry in El Paso, Texas. GAMBOA was the driver and sole occupant of a green Ford Explorer, bearing New Mexico license plate JXJ-870.

During primary inspection, GAMBOA told Customs and Border Protection Officer Jose Dominguez that he had gone to Mexico to visit his grandmother who just had open heart surgery. GAMBOA told CBPO Dominguez that he had been the only one to drive the vehicle while in Mexico. During the interview, CBPO Dominguez noticed that GAMBOA's hands were trembling and he was fidgeting as he sat in the vehicle. CBPO Dominguez escorted GAMBOA and the vehicle to secondary for further inspection.

In secondary, GAMBOA told CBPO Pat Villarreal that he had been in Mexico visiting his grandmother at the Red Cross Hospital. CBPO Villarreal asked GAMBOA who the vehicle belonged to and GAMBOA said his aunt's boyfriend. CBPO Villarreal conducted an inspection of the vehicle's fuel tank by tapping it with a hammer and noticed it felt very hard.

Further inspection of the vehicle revealed 55 bundles of a green leafy substance wrapped in brown tape concealed in the fuel tank of the vehicle. The green leafy substance field-tested positive for marijuana. There was approximately 57.15 pounds of marijuana concealed in the vehicle.

Senior Special Agent (SSA) Bobby J. Wilson and Special Agent (SA) Moses Olivares arrived at the port and conducted an interview with GAMBOA. SSA Wilson advised GAMBOA of his Miranda warnings in English. GAMBOA stated he understood his rights and agreed to answer questions without an attorney present.

GAMBOA said he was offered \$3,000 to cross the vehicle laden with marijuana. GAMBOA said he was told to take the vehicle to the Wal-Mart at Alameda and Americas. GAMBOA said once he crossed, he was to call Alberto Last Name Unknown (LNU) for further instructions. GAMBOA said once he contacted Alberto LNU, someone would meet him to take the vehicle and pay him.

GAMBOA said Alberto LNU told him the vehicle contained 40 pounds of pot (marijuana). SSA Wilson asked GAMBOA why he crossed the vehicle if he knew it contained marijuana and GAMBOA said he needed to money to pay off his vehicle and get a trailer for him and his girlfriend to live in.

GAMBOA provided a written statement to his involvement in this marijuana smuggling attempt.

FPF # 2008240200076501